

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2000-407-C – ORDER NO. 2001-612  
JUNE 21, 2001

IN RE: Proceeding to Consider Implementation of a     )     PROTECTIVE ORDER  
Cap on Surcharges and Rates Associated with     )  
Operator Assisted Calls.     )

This matter is before the Public Service Commission of South Carolina (the Commission) on a Motion for Protective Order filed by Darra W. Cothran, Esquire, for MCI WorldCom Communications, Inc. and MCI WorldCom Network Services, Inc.(collectively, WorldCom or the Companies).

WorldCom is an Intervenor in this matter presently before the Commission. Pursuant to our Order No. 2001-518, WorldCom filed the testimony of Edward J. Caputo on June 13, 2001, along with its Motion for Protective Order. WorldCom also filed the same testimony, under seal, with specific proprietary information contained in the testimony. The testimony filed by WorldCom pertains to its market for intrastate operator-assisted calls and the volume of calls pertaining to, revenues from, and costs for providing such service.

WorldCom alleges that the actual percentages for increase or decrease in these volumes, revenues, and costs, and the average rate per minute for intrastate calls (which takes into account service mix, call volumes and usage, fees, surcharges and time-sensitive rates) for WorldCom are competitively sensitive information, which WorldCom considers

proprietary and confidential for a specific and discrete market. If competitors are able to acquire this detailed and sensitive information, according to WorldCom, they could more easily develop entry, marketing and pricing strategies to ensure success in competing with the Companies. Under WorldCom's theory, this would afford WorldCom's competitors an unfair advantage, since the information would not be obtained from the market itself, while jeopardizing WorldCom's competitive position. WorldCom is willing to allow interested parties to enter into confidentiality agreements so that the proprietary information may be reviewed for purposes of this proceeding.

After due consideration, we have determined that WorldCom's request for Protective Order is valid, in that certain information contained in the testimony of Edward J. Caputo is competitively sensitive information and should be protected. The Motion is therefore granted, and the information contained in the WorldCom Proprietary Version of the Direct Testimony of Edward J. Caputo on behalf of WorldCom shall remain confidential.

Interested parties may enter into confidentiality agreements with WorldCom for the purposes of review of the proprietary version of the testimony. We will also design an appropriate methodology for the hearing in this case which will ensure the confidentiality of the material referred to herein.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)